# APPENDIX A

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

| | |
|---|---|
| COUNTY OF VENTURA,<br><br>Plaintiff and Respondent,<br><br>v.<br><br>JOYCE TILLETT,<br><br>Defendant and Appellant. | 2 Civ. No. 63044<br><br>(Super. Ct. No. D-98169)<br><br>ORDER GRANTING REHEARING AND RESUBMITTING CASE |

THE COURT:*

Good cause appearing, a rehearing is ordered in the above entitled matter, the opinion filed herein on May 17, 1982, is vacated, and the matter is resubmitted as of this date.

COURT OF APPEAL-SECOND DIST.
FILED
JUN 14 1982
CLAY ROBBINS, JR. Clerk
Deputy Clerk

* KINGSLEY, Acting P.J.; McCLOSKY, J.

# APPENDIX B

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

| | |
|---|---|
| COUNTY OF VENTURA, | 2 Civ. No. 63044 |
| Plaintiff and | (Super. Ct. No. D 98169) |
| Respondent, | |
| v. | COURT OF APPEAL-SECOND DIST. |
| JOYCE TILLETT, | FILED JUNE 28, 1982 |
| Defendant and | CLAY ROBBINS, JR. Clerk |
| Appellant. | _____ |
| _____ | Deputy Clerk |

APPEAL from a judgment of the Superior Court of Ventura County. Roland N. Purnell, Temporary Judge.* Reversed and Remanded.

---

* Pursuant to Cal. Const., art. VI, sec. 21.

Barbara Jean Penny for Defendant and Appellant.

George Deukmejian, Attorney General, Robert H. Philibosian, Chief Assistant Attorney General, S. Clark Moore, Assistant Attorney General, Norman H. Sokolow and Andrew D. Amerson, Deputy Attorneys General and Michael D. Bradbury, District Attorney, and Robert J. Bayer, Deputy District Attorney, for Plaintiff and Respondent.

---

Defendant appeals from an order of the superior court denying defendant's motion to set aside and vacate the judgment. We reverse the order and remand the case with directions.

## SUMMARY OF FACTS

On December 4, 1978, the County of Ventura filed a complaint in the Ventura County Superior Court against defendant, Joyce Tillett, and on January 12, 1978, served defendant with a copy of the summons and complaint. The complaint sought reimbursement of welfare funds which the county had provided in support of defendant's two minor children and requested an order that defendant continue to make monthly child support payments to the county.

In response to the complaint, on January 18, 1979, defendant went to the office of the Ventura County District Attorney. At that time, defendant explained that she had doubts about her responsibility for reimbursing the county because there was a pending order in the County of Los Angeles for her husband to pay child support. She also explained that she was unemployed and could not afford to make any payments. After this discussion, defendant signed a "Judgment for Child Support and Reimbursement of Welfare Funds by Stipulation." Defendant

says that she signed this document because she was afraid that, if she did not sign, she would go to jail and lose her insurance license which she had recently obtained.

The stipulated judgment, filed January 26, 1979, called for defendant to pay $1,148 to the county in monthly installments of $5 as reimbursement for the money which the county had provided in support of defendant's children. Further, the judgment required that defendant continue to pay $100 per month for child support (i.e., $50 per month per child). The defendant did not have the assistance of counsel in negotiating any of the terms of the agreement for stipulated judgment, nor did the agreement itself contain language indicating that defendant had waived any offer by the county to provide counsel.

On August 27, 1979, the court filed an Order to Show Cause Re Contempt against the defendant for nonpayment of child support. On October 12, 1979, defendant appeared before the superior court in propria persona and entered a plea of

guilty to four counts of contempt. She was found guilty by the court and was placed on summary probation for a period of twelve months on the condition that she pay the child support as originally ordered by the court and that she also pay $25 per month toward the arrears on the $1,148 on judgment. The minutes of the proceedings indicate that defendant was advised of the nature of the proceedings and of her right to a trial and representation of counsel, and that defendant waived those rights.

On August 6, 1980, the county filed a declaration Declaration Re Probation Violation against the defendant for noncompliance with the terms of probation (i.e., nonpayment of child support and the arrears). On October 31, 1980, defendant, now represented by counsel, 1/ filed a motion to set aside and vacate the original stipulated judgment on the ground

---

1. We are advised by counsel that she has not been paid a fee for her representation on the motion or in this court.

that the judgment was unconstitutional in that defendant did not have representation of counsel in entering into the stipulation. Defendant also claimed that the judgment had been obtained through extrinsic fraud, mistake or accident which prevented defendant from presenting a meritorious defense. The court denied the motion and defendant appeals.

I

We begin by examining the appealability of the superior court's order denying defendant's motion to set aside the judgment of January 26, 1979. Although this issue has not been raised by the parties, the question is jurisdictional, and we must dismiss the appeal on our own motion if the order is not appealable. (Redevelopment Agency v. Goodman (1975) 53 Cal.App.3d 424, 429.) We decide this issue according to the rule that no judgment or order is appealable unless expressly so declared, i.e., unless it comes within one of the classes enumerated in the main statutes or is made appealable by a specific statute. (See 6 Witkin, Cal. Procedure (2d ed. 1971), p. 4045;

see also Jasper Construction, Inc. v. University Casework Systems, Inc. (1974) 39 Cal.App.3d 582, 585.)

The appeal is from an order denying defendant's motion to vacate a stipulated judgment. Generally, an order denying a motion to vacate a judgment is not appealable, since such an appeal would be the equivalent of allowing two appeals from the same judgment. (See generally, 4 Cal.Jur.3d, Appellate Review, § 51 at p. 88.) However, the motion was based on the contention that the judgment is constitutionally invalid. Since a court of this state does not have jurisdiction to render a judgment that violated the California Constitution or the Constitution of the United States, the defendant's argument is, essentially, that the superior court's judgment was in excess of jurisdiction. (Code Civ. Proc., § 410.10; Yoakum v. Small Claims Court (1975) 53 Cal.App.3d 398, 401-402; Abelleira v. District Court of Appeal (1941) 17 Cal.2d 280, 287-291.) A judgment is void on its face if the court which rendered the judgment lacked

personal or subject matter jurisdiction or exceeded its jurisdiction in granting relief which the court had no power to grant. (Becker v. S.P.V. Construction Co. (1980) 27 Cal.3d 489, 493; Jones v. World Life Research Institute (1976) 60 Cal.App. 3d 836, 840-848.) If the judgment is void, it is subject to collateral attack. (Craft v. Craft (1957) 49 Cal.2d 189, 192.) One method of such an attack is a subsequent motion to vacated or set aside motion may be filed at any time after judgment. (Security Pac. Nat. Bank v. Lyon (1980) 105 Cal.App.3d Supp. 8, 13, citing Hayashi v. Lorenz (1954) 42 Cal.2d 848, 851; see also Craft v. Craft, supra, at p. 192.) The order denying or granting the motion is a special order made after entry of judgment, and it may be directly attacked on appeal under Code of Civil Procedure section 904.1(b). (Winslow v. Harold G. Ferguson Corp. (1944) 25 Cal.2d 274, 282; see also Eveleth v. American Brass & Iron Foundry (1962) 203 Cal.App.2d 41, 44.) The reason for allowing the appeal is that an order giving effect to a void judgment is also void and is subject

to attack. (Security Pac. Nat. Bank v. Lyon, supra, at 13.) Thus when an appellant attacks an order on the ground that it gives effect to a judgment that is void for lack of jurisidiction by the trial court, the general rule prohibiting appeal does not apply. It is a special order, and it may be appealed if the underlying judgment was appealable. (Code Civ. Pro., § 904.1(b).) It is necessary, therefore, to determine whether the stipulated judgment was appealable.

II

A judgment is not appealable unless it is final in the sense that it decides the rights and duties of the parties and terminates the litigation. (Maier Brewing Co. v. Pacific Nat. Fire Ins. Co. (1961) 194 Cal.App.2d 414.) Here, the underlying judgment was entered pursuant to stipulation. Under the terms of the stipulation, the defendant had the continuing right to seek a modification of the amount of child support depending upon a change in any relevant circumstances. When a court has the power to modify orders for the support of children in

light of the circumstances existing at the time the application is made, an order for child support payments pursuant to such power is not usually considered a final judgment in the sense of it being a final adjudication of the rights and duties of the parent and minor child. (Rosher v. Superior Court (1937) 9 Cal.2d 556, 559.) However, if the temporary order directs payment of money or performance of an act, the order is substantially the same as a final judgment in an independent proceeding, and a direct appeal may be taken. This constitutes a necessary exception to the one final judgment rule. (In re Marriage of Skelley (1976) 18 Cal.3d 365, 368, and cases cited therein.) We conclude that the present appeal is permissible under Code of Civil Procedure section 904.1(b) as an appeal from an order made after an appealable judgment. We therefore reach the merits of defendant's claims.

III

Defendant claims that the order denying her motion to vacate the judgment should be reversed for three reasons:

1. Defendant argues that the stipulated judgment is constitutionally invalid because she did not voluntarily, knowingly and intelligently enter the stipulation due to the failure of the county to provide her with assistance of counsel.

2. Defendant argues that the judgment should be vacated because the county fraudulently, mistakenly or accidentally prevented her from obtaining a fair adversary trial by giving her erroneous advice as to her possible defenses.

3. Defendant argues that the trial court erred in its decision of child support in that defendant did not have the ability to make support payments at the time she entered the stipulated judgment.

The first and second of defendant's arguments essentially make the same point, namely, that the judgment should be vacated because defendant did not voluntarily, knowingly and intelligently waive her right to counsel and to trial. Since we conclude that we must reverse and remand the case on that ground, we need not, and do not, consider the third

contention. Where, as here, a judgment is void, it must be set aside and no affidavit of merits or other showing of a defense is required. (Montgomery v. Norman (1953) 120 Cal.App.2d 855, 858.)

In a contested proceeding, no court may render judgment without conforming to the constitutional guarantees which afford due process of law. (See Estate of Buchman (1954) 123 Cal.App.2d 546, 559-560.) Due process requires that all parties be notffied of the facts and issues in dispute, that each party be afforded a fair opportunity to present evidence in open court, and that judgment be rendered based on an evaluation of the evidence on each side, findings of fact and conclusions of law.

In an uncontested proceeding, a court may not enter a final judgment depriving a party of property unless there has been some form of notice to the party and a hearing. (Isbell v. County of Sonoma, supra, (1978) 21 Cal.3d 61, 68.) Since a stipulated judgment authorizes entry of judgment without a hearing and without further notice until after

judgment has been entered against the defendant, we view it as a form of confession of judgment. (See, e.g., County of Ventura v. Castro (1979) 93 Cal.App.3d 462, 469.) It is constitutional only if it constitutes a valid waiver of the debtor's due process rights. (Isbell v. County of Sonoma, supra, at p. 68; see also D. H. Overmeyer Co. v. Frick Co. (1972) 405 U.S. 174, 184-188.)

This was an uncontested proceeding. Defendant did not answer the county's complaint. Instead, defendant signed a document entitled "Judgment for Child Support and Reimbursement of Welfare Funds by Stipulation." Accordingly, the judgment in this case is void, unless defendant knowingly, intelligently and voluntarily waived her right to due process.

In County of Ventura v. Castro, supra, we examined a judgment similar to the one in this case. In Castro, however, no civil action had been filed. The agreement for judgment was entered without action according to the terms worked out

between the District Attorney and the noncustodial parent under the provisions of section 11476.1 of the Welfare and Institutions Code. After examining the agreement, we found that it made no mention of whether the defendant understood his right to a trial on the issues of paternity and child support and whether he freely gave up that right. Since the statute neither required nor provided an opportunity for a judicial determination of the validity of any constitutional waiver, we concluded that the statute was constitutionally defective. Accordingly, the Legislature amended the statute, and it now requires that, before entry of judgment, the defendant must be advised by counsel as to the terms of the agreement or must be granted a hearing by a judge of the court to determine that, under the circumstances of the particular case, the defendant willingly, voluntarily and knowingly waived his or her due process rights. (Welf. & Inst. Code, § 11476.1 as amended by ch. 682, Stats. of 1980.)

Our decision in Castro was limited to cases concerning entry of judgment without action. Here, the District Attorney commenced a civil action under Welfare and Institutfons Code section 11350 and served a copy of the summons and complaint on the defendant. Thereafter, the defendant signed a document for entry of judgment by stipulation. Thus, we are now presented with the issue of whether a stipulated judgment in a civil action under Welfare and Institutions Code section 11350 requires a judicial determination of the validity of any constitutional waiver. We conclude that it does.

Agreements for the entry of judgment by stipulation are recognized as a valid procedure. In fact, there is specific statutory authority for such a process. (See Code Civ. Proc., § 664.6.) Nevertheless, defendant argues that the stipulated judgment against her should be vacated because she did not voluntarily, knowingly and intelligently enter into the stipulation agreement due to her lack of assistance of counsel at the time she entered the agreement. Defendant claims

that she had the constitutional right to assistance of counsel because the stipulated judgment carried with it the threat of incarceration. Defendant maintains that the trial court should have treated the case as a criminal matter and defendant should have been afforded the same rights as any other defendant in a criminal case.

Persons who settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard. (Boddie v. Connecticut (1971) 401 U.S. 371, 377; Payne v. Superior Court (1976) 17 Cal.3d 908, 914.) This includes the right to appointed counsel under certain circumstances, regardless of whether the action is labeled civil or criminal. (Salas v. Cortez (1979) 24 Cal.3d 22, 27 and cases cited therein.) Whether due process requires the appointment of counsel in a particular case depends on the interests involved and the nature of the proceedings.

An indigent defendant in a child support action prosecuted by the district

attorney under Welfare and Institutions Code section 11350 is constitutionally entitled to appointment of free counsel to represent him. (County of Los Angeles v. Superior Court (1980) 102 Cal.App.3d 926, 929.) Two of the most significant reasons for this rule are (1) the exposure of the defendant to a deprivation of property and liberty, and (2) the enormous disparity in bargaining power between indigent defendants and the state. (Salas v. Cortez, supra, at 28-31.) In the absence of such representation, the defendants in such actions are at a distinct disadvantage. As the Supreme Court in Salas said: "Unlike the ordinary civil litigant, appellants were opposed by the full resources of the state, marshalled on plaintiffs' behalf. Pursuant to a state and federal statutory scheme, designed to enforce the support obligations of absent parents, plaintiffs were represented by the district attorney. Further, these actions were prosecuted at public expense. . . . [¶] A judgment rendered in this manner is not only unfair, it is unreliable." Id. at pp. 30, 31. By

"intervening heavily on behalf of one side in what has traditionally been a private dispute, the state has skewed the outcome of the case." (Id., at p. 31.)

The constitutional requirement of appointment of free counsel for indigent defendants in cases that are prosecuted by the state and that carry the threat of incarceration would be reduced to a nullity if the state is allowed to circumvent the requirement by executing stipulated judgments which do not demonstrate that the defendants have voluntarily, knowingly and intelligently waived the right to free counsel and to a trial. Accordingly, we believe that our reasoning in the Castro case is applicable here. If the defendant has not had the assistance of counsel in entering a stipulated judgment with the state, and the judgment carries with it a threat of incarceration, there must be a judicial determination on the issue of waiver. (See County of Ventura v. Castro, supra, at p. 471.) In the absence of such a

determination, the judgment is void. 2/

The county argues that the defendant is not entitled to relief because she is guilty of laches in that more than one and a half years had passed from the entry of judgment in January of 1979 to October of 1980, when defendant moved to have the judgment vacated. (See McCreadi v. Argues (1967) 248 Cal.2d 39.) In passing on this argument we must look to the extent of prejudice to the opposing party and to the reasonableness of the moving party in not filing the motion to vacate earlier. (In re Marriage of Park (1980) 27 Cal.3d 337, 345.) In this case, no claim of prejudice has been articulated by the county. Although defendant waived her right to counsel at the contempt hearing, the speed with which she moved to vacate

---

2. Our reading of the Isbell decision leads us to the conclusion that, under the circumstances of the present case, the stipulated judgment may be declared void as unconstitutional. (Isbell v. County of Sonoma, supra, at p. 75, fn. 9.)

the judgment once she was convicted of contempt shows diligence. Slightly more than two weeks after the contempt hearing, she employed an attorney to file a motion to vacate the original judgment. This can scarcely be denominated inexcusable neglect.

The order denying defendant's motion to vacate the judgment is reversed. The case is remanded to the trial court with directions: (1) to enter an order granting that motion; (2) to allow defendant, properly represented by counsel, to file an answer to the complaint and to have a trial on the issues thus presented. Since defendant's present economic status cannot be determined on the record before us, the trial court shall determine whether she is now entitled to appointed counsel as an indigent. Defendant shall recover her costs in this court.

CERTIFIED FOR PUBLICATION

KINGSLEY, Acting P.J.

We concur:

McCLOSKY, J.

AMERIAN, J.

# APPENDIX C

# ORDER DENYING HEARING

**AFTER JUDGMENT BY THE COURT OF APPEAL**

2nd District, Division 4, Civil No. 63044

**IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

**IN BANK**

---

COUNTY OF VENTURA

v.

TILLETT

SUPREME COURT
FILED
SEP 22 1982
LAURENCE P. GILL, Clerk
Deputy

---

Respondent's petition for hearing DENIED.

Richardson, J., is of the opinion the petition should be granted.

BIRD
Chief Justice

# APPENDIX D

Best Copy Available

NAME AND ADDRESS OF ATTORNEY: C. STANLEY THOM, District Attorney
Family Support Division
4274 Telegraph Road
Ventura, CA 93003
ATTORNEY FOR: Plaintiff

TELEPHONE NO: (805) 654-3935

FOR COURT USE ONLY

FILED

JAN 9 1979

ROBERT L. HAMM, County Clerk
By [signature] Deputy County Clerk

Insert name of court, judicial district or branch court, if any, and Post Office and Street Address:
VENTURA COUNTY SUPERIOR COURT
800 South Victoria,
Ventura, CA 93001

PLAINTIFF:
COUNTY OF VENTURA

I hereby certify that the annexed instrument is a true and correct copy of the record on file in my office.
ROBERT L. HAMM, County Clerk of the County of Ventura, State of California and ex-officio Clerk of the Superior Court thereof.
By [signature] Deputy County Clerk 5-21-82

SUPERIOR COURT SEAL VENTURA COUNTY, CALIFORNIA

DEFENDANT:
JOYCE TILLETT, aka
JOYCE PRIDDY

SUMMONS D.A. NUMBER: 78-1237A CASE NUMBER: D98169

**NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.**

**¡AVISO! Usted ha sido demandado. El Tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.**

1. TO THE DEFENDANT: A civil complaint has been filed by the plaintiff against you. (See footnote*)
   a. If you wish to defend this lawsuit, you must, within 30 days after this summons is served on you, file with this court a written pleading in response to the complaint. (If a Justice Court, you must file with the court a written pleading or cause an oral pleading to be entered in the docket) Unless you do so, your default will be entered upon application of the plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property or other relief requested in the complaint.
   b. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

DATED: 12-4-78 ROBERT L. HAMM, Clerk, By [signature], Deputy

(SEAL)

2. NOTICE TO THE PERSON SERVED: You are served
   a. [X] As an individual defendant.
   b. [ ] As the person sued under the fictitious name of:
   c. [ ] On behalf of:

Under: [ ] CCP 416.10 (Corporation) [ ] CCP 416.60 (Minor)
[ ] CCP 416.20 (Defunct Corporation) [ ] CCP 416.70 (Incompetent)
[ ] CCP 416.40 (Association or Partnership) [X] CCP 416.90 (Individual)
[ ] Other:

   d. [ ] By personal delivery on (Date):

*The word "complaint" includes cross-complaint; "plaintiff" includes cross-complainant; "defendant" includes cross-defendant; singular includes the plural and masculine includes feminine and neuter. A written pleading, including an answer, demurrer, etc., must be in the form required by the California Rules of Court. Your original pleading must be filed in this court with proper filing fees and proof that a copy thereof was served on each plaintiff's attorney and on each plaintiff not represented by an attorney. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.40.

Form Approved by Rule 982 of The Judicial Council of California Effective January 1, 1977
DA-SC 1500 (12/76)

(See reverse side for Proof of Service)

SUMMONS

CCP 412.20, 412.30, 415.10, etc.

Best Copy Available

**PROOF OF SERVICE**

*(Use separate proof of service for each person served)*

1. I served the defendant (Name): . . . . . with the summons and complaint
   a. by serving
      (1) ☐ Defendant.
      (2) ☐ Person and title or relationship to person served (Name etc.): . . . . . .
   b. ☐ Delivery at ☐ Home ☐ Business
      (1) Date of: . . . . . (2) Time of: . . . . . .
      (3) Address: . . . . . .
   c. ☐ Mailing
      (1) Date of: . . . . . (2) Place of: . . . . . .
2. Manner of service: *(Check proper box)*
   a. ☐ (Personal Service) By personally delivering copies (CCP 415.10).
   b. ☐ (Substituted service on corporation, unincorporated association [including partnership], or public entity) By leaving, during usual business hours, copies in defendant's office with (Name): . . . . . and thereafter mailing, by first-class mail, postage prepaid, copies to defendant (CCP 415.20(a)).
   c. ☐ (Substituted service on natural person, minor, incompetent or candidate) By leaving copies at ☐ the dwelling house ☐ usual place of abode ☐ usual place of business of defendant in the presence of (Name): . . . . . , who was informed of the general nature of the papers, and thereafter mailing by first class mail, postage prepaid, copies to (Name): . . . . . at the place where the copies were left (CCP 415.20(b)). *(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)*
   d. ☐ (Mail and acknowledgement service) By mailing by first-class mail copies to defendant, together with two copies of the form Notice and Acknowledgement of Receipt and a return envelope, postage prepaid, addressed to the sender (CCP 415.30). *(Attach completed Acknowledgment of Receipt form.)*
   e. ☐ (Return receipt requested mail service) By mailing to address outside California, with return receipt requested, copies to defendant (CCP 415.40). *(Attach signed return receipt or other evidence of actual delivery to the person served).*
   f. ☐ (Other—CCP 413.10, 413.30. *Attach separate page if necessary):*

      ☐ Additional page is attached.
3. The notice to the person served (Item 2 on the copy of the summons served) was completed as follows (CCP 412.30, 415.10, and 474):
   a. ☐ As an individual defendant.
   b. ☐ As the person sued under the fictitious name of: . . . . .
   c. ☐ On behalf of: . . . . .
      Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor) ☐ Other:
      ☐ CCP 416.20 (Defunct corporation) ☐ CCP 416.70 (Incompetent)
      ☐ CCP 416.40 (Association or partnership) ☐ CCP 416.90 (Individual)
   d. ☐ by personal delivery on (Date): . . . . .
4. At the time of service I was at least 18 years of age and not a party to the action.
5. Fee for service: $ . . . .
6. Name, address and telephone number of person serving: . . . . .
   a. ☐ Not a registered California process server (CCP 417.40) ☐ and exempt (Bus&P Code 22530).
   b. ☐ Registered. . . . . County, Number: . . . . .
   c. ☐ California sheriff, marshall or constable
      (1) Title: . . . . .
      (2) County: . . . . .
      (3) ☐ Municipal or Justice Court District: . . . . .

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): . . . . . at (Place): . . . . . , California.

Signature: _____

I certify that the foregoing is true and correct and that this certificate is executed on (Date): . . . . . at (Place): . . . . . , California.

Signature: _____

CCP 417.10—417.30

Best Copy Available

COUNTY OF LOS ANGELES – SHER DEPARTMENT — CERTIFICATE OF SERVICE

COUNTY OF VENTURA (Plaintiff) vs. RIDDY (Defendant) — D 68169 (Case Number)

☐ SUPERIOR
☐ MUNICIPAL JAN 5 1979

COURT OF CALIFORNIA, COUNTY OF VENTURA JUDICIAL DISTRICT

I, the undersigned, Sheriff of the County of Los Angeles, State of California, do hereby certify that I received on the _____ day of _____ 19__, the attached:

☑ Summons and COMPLAINT
☐ Petition (Marriage)
☐ Order to Show Cause (Marriage).
☐ Blank Financial Declaration.
☐ Blank Confidential Counseling Statement (Marriage).
☐ Blank Responsive Declaration.
☐

I served the above process as follows:

1. Name: JOYCE TILLET

I hereby certify that the annexed instrument is a true and correct copy of the record on file in my office.
ROBERT L. HAMM, County Clerk of the County of Ventura, State of California and ex-officio Clerk of the Superior Court therein.
By _____ Deputy County Clerk 3-21-82

SUPERIOR COURT VENTURA COUNTY, CALIFORNIA

2. Person served and title: JOYCE TILLET
3. Person with whom left, title or relationship to person served:
4. Date and time of delivery: 12-28-78 3:00 PM
5. Mailing date, type of mail and place of mailing:
6. Address, city and state (when required, indicate whether address is home or business): 11744 KITRIDGE #1 NORTH HOLLYWOOD N/A
7. Manner of Service: (Check application box)

☑ (Personal service) By handing copies to the person served. (C.C.P. § 415.10)

☐ (Substitute service on corporation, unincorporated association (including partnership), or public entity) By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first class mail, postage prepaid) copies to the person served at the place where the copies were left (C.C.P. § 415.20(a).)

☐ (Substituted service on natural persons, minor, incompetent, or candidate) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (C.C.P. § 415.20(b). (SEE REVERSE FOR ACTS RELIED ON TO ESTABLISH REASONABLE DILIGENCE IN FIRST ATTEMPTING PERSONAL SERVICE)

☐

8. The following notice appeared on the copy of the summons served (CCP 412.30 or 474):

☑ You are served as an individual defendant.
☐ You are served as (or on behalf of) the person sued under the fictitious name of: _____
☐ You are served on behalf of: _____

Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor) ☐ Other:
☐ CCP 416.20 (Defunct corporation) ☐ CCP 416.70 (Incompetent)
☐ CCP 416.40 (Association or partnership) ☐ CCP 416.90 (Individual)
☐ By personal delivery on _____

(continued on reverse side)

Best Copy Available

☐ **CERTIFICATE OF NON-SERVICE**

I certify that I received the annexed civil process on the date endorsed thereon by me, and that after due search, careful inquiry and diligent attempts at the dwelling house or usual place of abode and/or business, I have been unable to make personal delivery of said process in the County of Los Angeles, on the following person(s) therein named, to Wit:

RECORD OF SERVICE ATTEMPTS RELIED TO ESTABLISH REASONABLE DILIGENCE: OVERALL TOTAL OF ATTEMPTS MADE: ___

| Dates and Times | Address | | Remarks |
|---|---|---|---|
| | | ☐ Home ☐ Bus. | |
| | | ☐ Home ☐ Bus. | |
| | | ☐ Home ☐ Bus. | |
| | | ☐ Home ☐ Bus. | |

**REASON:**

- ☐ Unknown at address.
- ☐ Unable to serve before
- ☐ No such address.
- ☐ Other reasons:
- ☐ Moved, forwarding address unknown.
- ☐ Service cancelled by litigant.

WITNESS AND MILEAGE FEES DEMANDED AND PAID $ _____.

HEARING DATE: _____, AT _____ M. DIVISION OR DEPARTMENT _____

I certify that the foregoing is true and correct and that this certificate was executed on 1-2-79 at Van Nuys, California.

Fees for Service $ -0-

PETER J. PITCHESS, SHERIFF

By Fred P. Burke
Deputy Sheriff

CERTIFICATE NON-SERVICE/SERVICE ATTEMPTS